



An
Bord
Pleanála

Board Direction
BD-002331-19
ABP-301551-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 11th 2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The proposal entails the provision of new residential development within the grounds of Mount Juliet Estate in the rural area of Co. Kilkenny. On the basis of the documentation submitted with the applicant and appeal, it is intended that these residential units are to be made available for sale on the open market. Having regard to this fact, it is considered that the applicant has failed to demonstrate that the proposed development would be consistent with Objective 8 of the Mount Juliet Action Area Plan, which is part of the Kilkenny County Development Plan 2014 - 2020, where the objective is "to provide for the development of additional lodges adjacent to the existing Rose Garden Lodges associated with the estate's tourism, leisure and recreational functions without detracting from the estate's landscape character and built natural heritage". The proposed development would, therefore, be contrary to the provisions of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Section 12.11.17 (Tree and Hedgerow Preservation) of the Kilkenny County Development Plan 2014-2020 notes that "development will not generally be

permitted where there is likely damage or destruction either to trees protected by a Tree Preservation Order or those which have a particular local amenity or nature conservation value, or are listed in the Survey of Mature Trees in the City and Environs. Development that requires the felling of mature trees of amenity value, conservation value or special interest, even though they may not be listed in the Development Plan, will be discouraged". The proposed development, by reason of its location and spatial extent, would entail the removal of a number of mature trees of good quality and life expectancy, solely in order to facilitate the proposed development. Having regard to the importance of mature woodlands and trees to the character of Mount Juliet estate, a landscape of national significance and heritage value, it is considered that the proposed development, involving the loss of such trees, would interfere with the character of the landscape, which it is necessary to preserve, and would be contrary to Development Plan policy regarding tree preservation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 11th February 2019

Philip Jones